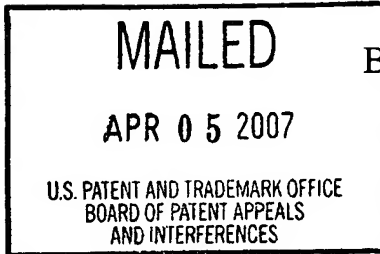


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAE-SUNG HAN, CHUL KIM, YONG-WOON HAN,
SEONG-DEOG JANG, KYUNG-HEE HAM,
JOO-YEONG YEO and HAN-SEONG KANG,

Application No. 10/713,159

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences (BPAI) on November 29, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

(1) In a Memorandum to the Technology Center Directors and Patent Examining Corps dated April 29, 2002 entitled “Reliance upon abstracts and foreign language documents in support of a rejection,” the Deputy Commissioner for Patent Examination Policy mandated that

(e)ffective immediately, no appeal should be forwarded to the Board of Patent Appeals and Interferences for decision where . . . a rejection is supported in whole or part by a prior art document not in the English language, unless accompanied by a translation of the prior art document into English.

The examiner mailed an examiner’s answer on May 2, 2006. On page 3 of the answer under the “Evidence Relied Upon” heading, the examiner has listed a Korean reference being relied upon in the rejections of the appealed claims (Korean patent 1020020016089). The application electronic Image File Wrapper (IFW) contains a copy of an English Abstract of the reference. However, the BPAI requires a complete English language copy of the reference. We do not find such copy in the application IFW. Correction is required.

(2) Appellants filed an Information Disclosure Statement (IDS) on October 12, 2006. It is not clear from the record whether the examiner considered the IDS as the references listed thereon have not been initialed and the examiner has not signed and dated the Form PTO-1449 of the IDS as required. Correction is required.

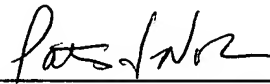
Application No. 10/713,159

Accordingly, it is

- ORDERED that the application is being returned to the Examiner for
- (1) the examiner to have an English language copy of the Korean reference used in the rejections of the appealed claims inserted into the application IFW;
 - (2) for the examiner to properly consider the IDS filed October 12, 2006 and to mail a copy of the considered IDS to appellants, and;
 - (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



PATRICK J. NOLAN

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PJN/vsh